IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 10098 of 2005

Between:

M.Mogili

..... PETITIONER

AND

Govt of A.P, Rep by its Prl.Secretary,

Municipal Administration and Urban Development

Department. Secretariat, Hyderabad, and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 and 2 in not considering the petitioner's complaints to see that the construction of the 3rd respondent is as per the sanctioned plan vide permit No.92, dated 04.10.2000, as arbitrary and illegal, and seeking consequential direction to respondents 1 and 2 to fix the responsibility on the concerned person who is responsible for the same and take appropriate action in that regard and also remove the constructions made by the 3rd respondent in deviation of sanctioned plan within a specified time, the present writ petition is filed.

The petitioner has already filed a suit in O.S.No.490 of 2001 on the file of the Court of the Principal Junior Civil Judge, Warangal for the self-same relief and also obtained temporary injunction by orders dated 05.11.2002 in I.A.619 of 2001 in the

said suit. If the 3rd respondent violates the said injunction, the petitioner has to take appropriate steps against the 3rd respondent. This writ petition, for the self-same relief, cannot be maintainable and the petitioner cannot maintain two parallel proceedings for the same cause of action.

Therefore, the Writ Petition is dismissed. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 26.07.2005

Dsr